

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

MDL No. 2492

Master Docket No. 13-cv-09116

This Document Relates To:
All Cases

Judge John Z. Lee

Magistrate Judge M. David Weisman

**JOINT STATUS REPORT REGARDING
SETTLEMENT WEBSITE FOR MEDICAL MONITORING PROGRAM**

Lead Class Counsel and the NCAA's counsel submit this Joint Status Report Regarding Settlement Website For Medical Monitoring Program to update the Court on a recent development related to the Settlement Website hosted and maintained by the Program Administrator, Epiq Mass Tort (f/k/a Garretson Resolution Group) ("Epiq"):¹

1. On August 19, 2019, the Court entered its Amended Final Order and Judgment Approving the Second Amended Class Action Settlement (Dkt. 558), and the Court subsequently set the Effective Date for the settlement as November 18, 2019 (Dkt. 578).

2. Under the Settlement Agreement, "[t]he Medical Monitoring Program for Settlement Class Members will begin ninety (90) days from the Effective Date." Settlement Agmt. § IV(B)(2) (ECF 28 of 105). Under this requirement, Epiq timely launched the Medical

¹ Unless referring to an entry on the Court's docket, capitalized terms are as defined in the Second Amended Class Action Settlement Agreement and Release (Dkt. 558-1) ("Settlement Agreement").

Monitoring Program on February 18, 2020 at the following web address: www.collegeathleteconcussionsettlement.com.

3. In accordance with the Court's directive, the Parties then "devise[d] a cost-effective marketing campaign to announce the commencement of the medical monitoring program," and they moved the Court to authorize Epiq to incur up to \$10,000 in costs to generate and place sponsored search listings announcing the launch of the Medical Monitoring Program. Feb. 5, 2020 Minute Order (Dkt. 583); Joint Status Report and Motion (Dkt. 585) at 3. The Court granted that Motion on February 26, 2020, following a status hearing. Minute Order (Dkt. 587).

4. As part of the publication plan devised by the Parties and approved by the Court, Epiq was tasked with issuing approximately 17,000 emails announcing the launch of the Medical Monitoring Program to individuals who requested to have their names added to a mailing list for purposes of receiving periodic updates and with placing the sponsored search listings. *See* Joint Status Report and Motion (Dkt. 585) at ¶ 4(c); Minute Order (Dkt. 587).

5. Sometime after the February 26, 2020 status hearing, however, Epiq apparently experienced a breach of one or more of its websites or platforms, and Epiq informed the Parties of this development earlier this week. As a result of this development, Epiq informed the Parties that it had taken offline all or substantially all of its client websites and platforms, including the Settlement Website. In response to the inquiries of the Parties, Epiq assured the Parties that "[a]t this time there is no evidence of any unauthorized transfer, misuse or extrication of any data in our possession, including that for NCAA." *See* March 5, 2020 Corresp. fr. J. Smallwood, attached hereto as Exhibit A.

6. Given this disruption to the Settlement Website, Epiq has not yet sent the emails or placed the search listings discussed above, given that any viewer of those publication efforts would not currently be able to access the Settlement Website to register for the Medical Monitoring Program. *See* Joint Status Report and Motion (Dkt. 585) at ¶ 4(c); Minute Order (Dkt. 587).

7. Epiq has informed the Parties that it is working as quickly as it can to reactivate the Settlement Website and then send the emails and place the search listings already discussed.

8. The Parties will, of course, update the Court as soon as the Settlement Website is returned online and will keep the Court apprised of any material developments. In the absence of any developments, the Parties will provide a status update to the Court within two (2) weeks unless the Court would prefer updates more frequently or in some other form.

Date: March 6, 2020

By: /s/ Robert C. Collins III

Mark S. Mester – Bar No. 6196140
mark.mester@lw.com
Johanna Spellman – Bar No. 6293851
johanna.spellman@lw.com
Robert C. Collins III – Bar No. 6304674
robert.collins@lw.com
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, Illinois 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767

*Counsel for Defendant
National Collegiate Athletic Association*

Respectfully submitted,

By: /s/ Daniel J. Kurowski (w/ consent)

Steve W. Berman
steve@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Daniel J. Kurowski
dank@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
455 North Cityfront Plaza Drive, Suite 2410
Chicago, Illinois 60611
Telephone: (708) 628-4949
Facsimile: (708) 628-4950

Joseph Siprut
jsiprut@siprut.com
SIPRUT PC
17 North State Street, Suite 1600
Chicago, Illinois 60602
Telephone: (312) 236-0000

Settlement Class Counsel

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on March 6, 2020 a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Robert C. Collins III